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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,771	03/24/1999	MASAHIRO SHIOJI	990306	8875

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ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/03/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/274,771

Applicant(s)

SHIOJI, MASAHIRO

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1- 14 have been considered but are moot in view of the new ground(s) of rejection.

In addition to the independent claim 7, in the first paragraph of page 5 of the Amendment, the Applicant asserts that in the present application, a directory for storing a normally picked up image and a directory for storing a continuously picked up image belong to the same level of hierarchy, which is different from Kuba et al. reference shown by Fig. 60 or 88 in which the directory for storing a continuously picked up image belongs to one level below the level of the directory for storing a normally picked up image.

In response, the Examiner would like to point out the directory structure in Fig. 9 of the present claimed invention (as admitted by the Applicant in the second paragraph of page 6 of the Amendment) and the directory structure in Fig. 88 in Kuba et al. reference. It is clear that the subfolder (83) in the present application is considered the same as the subdirectory (SUB01) in Kuba et al as shown in Fig. 88. Therefore, Kuba et al. reference anticipates the claimed invention in the present application.

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does, in fact, read on the cited references at least for the reasons discussed above and as stated in the following Office Action.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al (US 5,806,072) in view of Kawamura et al (US 5,576,759).

Regarding claim 1, Kuba discloses a digital camera that has a normal pickup mode (single pick-up mode) in which images of an object are picked up one by one, a continuous image pickup mode in which images of an object are picked up continuously (see Fig. 25), a normally picked up image reproduction mode in which an image picked up in the normal image pickup mode is reproduced and a continuously picked up image reproduction mode in which an image picked up in the continuous image pickup mode is reproduced (see Figs. 21(A) & (B); col. 20, lines 47-56 & col. 22, lines 5-14), comprising:

memory means for storing an image (see col. 21, lines 4-12);

image display means for displaying an image (see Figs. 21(A) & (B); col. 21, line 65 – col. 22, line 4);

first writing means for storing each image picked up in the normal image pickup mode (independent data) in the memory means (see col. 21, lines 47-60);

second writing means classifying into groups and storing in the memory means a plurality of images picked up in the continuous image pickup mode, session by session (see Figs. 5, 6, 24 & 88; col. 20, lines 44-56; col. 21, line 47 – col. 22, line 4);

first selecting means (11b, 11c) for selecting, in the normal picked up image reproduction mode, a desired image among images stored in the memory means (see Figs. 3-6; col. 16, lines 9-15 for selection of frame, such as a single image frame of file A, B or C in the root directory);

second selecting means (11d, 11e) for selecting, in the continuously picked up image reproduction mode, a desired image group (i.e., the image group 32 or 28 as shown in Figs. 25(A) & (B) and 21(A) & (B)) among image groups stored in the memory means, and a desired image (i.e., 33 or 34) among the plurality of images belonging to the image group (see Figs. 3-6 & 69; col. 15, lines 18-23; col. 16, lines 9-15 & col. 21, line 65 – col. 22, line 4 for selection of a directory, such as subdirectory b where stored continuous picked up image data are selected for reproducing);

first reading means for taking out the images selected by the first and second selecting means from the memory means and applying the image to the image display means (see col. 21, line 61 – col. 22, line 14).

Kuba does not teach that the image display means do not simultaneously display both images obtained from the normal pickup mode and the continuous image pickup mode. However, Kawamura teaches the display of index picture by separately displaying the index picture in continuous photography mode from the index picture in single shooting mode, wherein

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the display means do not display both index pictures at the same time so that the image data may be easily viewed as described in Figs. 7A – 7C; col. 1, line 60 – col. 2, line 21 & col. 8, lines 43-60.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Kuba with Kawamura to provide a selection for the display method for separately displaying the index picture in continuous photography mode from the index picture in single shooting mode, wherein the display means do not display both index pictures at the same time so that the image data may be easily viewed.

Regarding claim 2, Kuba further discloses that the second writing means forms a reduced image of each image and stored the reduced image (i.e. 2, 3, 4) to the memory means (see Fig. 21(A) & (B));

third selecting means for selecting, in the continuously picked up image reproduction mode, a predetermined number of reduced images (i.e. 16 reduced images to fit into the screen as shown in Fig. 21(A) & (B)) among reduced images (for example, 20 continuous images taken in the continuous pick-up mode) of leading images (only the first 16 images out of 20 are displayed) of respective image groups stored in the memory means;

second reading means for reading (subdirectory in the hierarchical directory) the prescribed number of reduced images selected by the third selecting means from the memory means, forming an image of one image plane (by pressing PLAY switch 11a) from the predetermined number of reduced images, and applying the image to the image display means (see col. 16, lines 9-15); wherein

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the second selecting means selects the image group (i.e. 32 or 2 8) by selecting a desired reduced image from the predetermined number of reduced images displayed on the image display means (see Fig. 25(A) & (B), 21(A) & (B)).

Regarding claim 3, Kuba also discloses the digital camera that has a continuous reproduction mode (continuous play) in which a plurality of images belonging to a selected image group are continuously reproduced (see Fig. 65; col. 32, lines 25-26), and

third reading means for taking, in the continuous reproduction mode, a plurality of images belonging to the image group selected by the second selecting means and continuously applying the images to the image display means (see Fig. 68; col. 34, lines 11-24).

Regarding claim 4, the digital camera also has a moving mode for moving an image (Fig. 32(A)-(C)), and the camera comprises:

moving means for physically rearranging a plurality of predetermined data records within the storage medium (as shown in Fig. 32). The data rearrangement shown by Fig. 32 clearly presents extracting an image selected by the second selecting means from the image group to which the image belongs, and storing the extracted image to the storing means of the same directory as with an image pickup in the normal pickup mode (see col. 24, lines 22-37).

Regarding claim 5, Kuba further discloses that the digital camera has a copy mode for copying an image and comprises:

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copying means for copying image data files within the storage medium (as shown in Fig. 60 & 130). This clearly presents copying means for forming a copy image of an image selected by the second selecting means and storing the copied image in the memory means of the same directory as for an image picked up in the normal image pickup mode (see col. 31, lines 14-29 & col. 47, lines 27 & 44-46).

Regarding claim 6, the digital camera of Kuba also has a deletion mode (DEL) for deleting stored image data (see Fig. 36), comprising:

first deletion means for deleting the image selected by the first and second selecting means among images stored in the memory means (col. 26, lines 28-29);

inherent second deletion means for deleting an image group selected by the second selecting means among image groups stored in the memory means (col. 26, lines 28-29). Since the image groups are constructed with the hierarchical directory and tree display method, it is inherent for the image group to be deleted in such the camera system.

Regarding claim 7, the claimed limitations are accommodated with respect to claim 1. In addition, storing means where directories are formed (Figs. 5 & 6) for storing files of picked up image data in the memory means and store each of images picked up in the normal image picked up mode (independent data) in one of the directories (i.e., A, B or C), and classify into groups (i.e., subdirectories b, c) and then store a plurality of images picked up in the continuous image pickup mode (group data), session by session of continuous image pickup, in another of the directories (i.e., E, F, G) (see Figs. 5, 6, 24, 25 & 88; col. 20, lines 44-56; col. 21, lines 53-65).

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Kuba does not teach that the image display means do not simultaneously display both images obtained from the normal pickup mode and the continuous image pickup mode. However, Kawamura teaches the display of index picture by separately displaying the index picture in continuous photography mode from the index picture in single shooting mode, wherein the display means do not display both index pictures at the same time so that the image data may be easily viewed (see Figs. 7A – 7C; col. 1, line 60 – col. 2, line 21 & col. 8, lines 43-60).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Kuba with Kawamura to provide a selection for the display method for separately displaying the index picture in continuous photography mode from the index picture in single shooting mode, wherein the display means do not display both index pictures at the same time so that the image data may be easily viewed.

Regarding claim 8, the claimed limitations are accommodated with respect to claim 1.

Regarding claim 9, the claimed limitations are accommodated with respect to claim 1.

Regarding claim 10, the claimed limitations are accommodated with respect to claim 2.

Regarding claim 11, the claimed limitations are accommodated with respect to claim 3.

Regarding claim 12, the claimed limitations are accommodated with respect to claim 4.

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Regarding claim 13, the claimed limitations are accommodated with respect to claim 5.

Regarding claim 14, the claimed limitations are accommodated with respect to claim 6.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NT.
May 22, 2003

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal line extending to the right.

**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**